

REMARKS

Prior to entry of this amendment, claims 1-35 are currently pending in the subject application. By the instant amendment, claim 1 is amended. Claims 1 and 31 are independent.

Claims 1-35 are presented to the Examiner for further prosecution on the merits.

A. Introduction

A Request for Continued Examination was filed in connection with the subject application on May 22, 2006. Following the RCE, applicants requested, and were granted, a personal interview with the Examiner. Applicants appreciate the Examiner's consideration during the interview, a summary of which is provided below.

B. Summary of Outstanding Rejections

In the outstanding Office Action Made Final, mailed February 22, 2006, the Examiner rejected claims 1-3, 9-17 and 21-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,911,507 to Polla et al. ("the Polla et al. reference") in view of U.S. Patent No. 6,677,709 to Ma et al. ("the Ma et al. reference") and further in view of U.S. Patent No. 6,670,212 to McNie et al. ("the McNie et al. reference"); rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over the Polla et al. reference in view of the Ma et al. and McNie et al. references and further in view of U.S. Patent No. 6,245,444 to Marcus et al. ("the Marcus et al. reference"); rejected claim 29 under 35 U.S.C. § 103(a) as being unpatentable over the Polla et al. and the Ma et al. references and in view of the McNie et al. reference and further in view of U.S. Patent No. 5,834,975 to Bartlett et al. ("the Bartlett et al. reference"); and objected to claims 4-7, 18-20 and 30 as being dependent upon a rejected base claim, while indicating that claims 4-7, 18-20 and 30 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

C. Applicant Initiated Interview Summary

On June 19, 2006, an applicant-initiated interview was conducted. As required by 37 C.F.R. § 1.133(b), applicants' herewith provide a summary of that interview:

1. Brief Description of any Exhibit Shown

No exhibit was shown or demonstrated during the interview.

2. Identification of the Claims Discussed

The Examiner and applicants' representative discussed independent claims 1 and 31.

3. Identification of the Specific Prior Art Discussed

The Examiner and applicants' representative discussed the Polla et al. and Ma et al. references.

4. Identification of the Proposed Amendments

As presented above in the instant amendment, the Examiner suggested that the claim 1 be amended to recite, in part, "forming a sacrificial layer on a flexible substrate of the flexible MEMS transducer . . ."

5. Summary of the Arguments Presented to the Examiner

Applicants' representative presented arguments regarding the scope of the disclosures of the Polla et al. and Ma et al. references. Regarding the Polla et al. reference, applicants' representative argued that the Polla et al. reference fails to disclose, *inter alia*, "depositing an upper protective layer . . . patterning the upper protective layer . . . then depositing a connecting pad layer," as recited in claim 1. Applicants' representative also argued that FIG. 4O of the Polla et al. reference fails to disclose "patterning the membrane layer to expose the sacrificial layer."<sup>1</sup>

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<sup>1</sup> See the Office Action Made Final of February 22, 2006, at paragraph no. 3, page 3.

Regarding the Ma et al. reference, applicants' representative argued that the Ma et al. reference discloses, at most, laminating a separately-prepared piezoelectric MEMS element onto a flexible substrate, whereas claim 1 recites a method for forming a flexible MEMS transducer that includes, *inter alia*, depositing a lower electrode, an active layer and an upper electrode on a sacrificial layer disposed on a flexible substrate.

Agreement was generally reached regarding each of the above arguments. However, the Examiner suggested that claim 1 be amended to further clarify "forming a sacrificial layer on a flexible substrate of the flexible MEMS transducer . . ."

6. General Indication of Other Pertinent Matters Discussed

Applicants' representative also presented arguments as to independent claim 31, which was added, along with dependent claims 32-35, by the amendment filed with the RCE of May 22, 2006. In particular, applicants' representative noted several features recited in independent claim 31 that are not disclosed in the Polla et al. reference.

7. General Outcome of the Interview

Agreement between the Examiner and applicants' representative was reached regarding the distinctions between the subject matter of claims 1 and 31 and the Polla et al. and Ma et al. references. In particular, it was agreed that that claim 1, as originally recited, overcomes the Polla et al. and Ma et al. references.

D. Amendments

Claim 1 is amended by the instant amendment, as discussed above. No new matter is added.

E. Conclusion

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

LEE & MORSE, P.C.

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PETITION and  
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.